



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Our Ref: 1038-1129 MIS:sd

In re patent application

No.: 09/786,235
Filing Date: N/A
Applicant: Diane M. Gajewczyk et al.
Title: TREATMENT OF CERVICAL CANCER

July 16, 2002

The Commissioner of Patents
and Trademarks,
Washington, D.C. 20231,
U. S. A.

DECLARATION UNDER 37 CFR 1.47 (a)

I, Michael I. Stewart, of 1180 Carey Road, Oakville, Ontario, L6J 2E4,
declare as follows:

1. I am responsible for the preparation and filing of this application and have registration No. 24,973.
2. I receive my instructions with respect to this application from the Patents Department of Aventis Pasteur Limited (formerly Connaught Laboratories Limited).
3. This application was filed as a U.S. National Phase filing of PCT/CA99/00807 which claimed priority from U.S. Application No. 09/786,235. When the application was filed, I forwarded the Declaration and Power of Attorney to the Patents Department of Aventis Pasteur Limited, with a request that the document be signed by all inventors.
4. I received a letter dated August 20, 2001 from the Patents Department of Aventis Pasteur Limited enclosing a Declaration and Power of Attorney document executed by all inventors except Diane M. Gajewczyk. A Declaration and Power of Attorney was by executed by Diane M. Gajewczyk in connection with the priority U.S. Application No. 09/786,235.


5. Diane M. Gajewczyk terminated employment with Aventis Pasteur Limited on June 29, 2001. I am advised by Reza Yacoob of the Patents Department of Aventis Pasteur Limited and verily believe that a complete copy of the specification including claims filed with this application with the Declaration and Power of Attorney attached thereto for executed by Diane M. Gajewczyk was forwarded to her by Federal Express, on September 12, 2001, to her last known address, namely 21 Crafton Avenue, Toronto, Ontario, M6R 1C3, Canada, with a request for execution and return.

6. To date, Diane M. Gajewczyk has not contacted the Patents Department of Aventis Pasteur Limited and the executed Declaration and Power of Attorney has not been returned by Diane M. Gajewczyk and hence the filing of the Petition under 37 CFR 1.47(a) that this Declaration supports.

7. The invention which is the subject of this application was made during the period of time that Diane M. Gajewczyk was employed by Aventis Pasteur Limited. The terms of her employment oblige Diane M. Gajewczyk, according to paragraph 2 of her Confidentiality Agreement dated May 29, 1989, attached hereto as Exhibit I, to execute all papers in connection with any invention made during the course of her employment. As noted above, the Declaration and Power of Attorney in connection with the priority filing was executed by Diane M. Gajewczyk as well as an assignment to Connaught Laboratories Limited.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Declared at Toronto, Ontario, this 16th day of July , 2002.



Michael I. Stewart